

TAM:JJT:mel:2001V01054

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,	:
Plaintiff	: No. 1:CV-01-1005
	:
v.	: (Smyser, M.J.)
	:
DONALD ROMINE, Warden,	: Filed Electronically
Defendant	:

MOTION FOR ENLARGEMENT OF TIME

Pursuant to Fed. R. Civ. P. 6(b), the United States Attorney's Office, on behalf of defendant Romine, requests the Court for an enlargement of time until January 9, 2004, to oppose Norwood's motion for a new trial. The United States Attorney's Office states the following in support thereof:

1. Plaintiff is Michael Norwood, an inmate incarcerated at the United States Penitentiary in Lewisburg, Pennsylvania.

2. On June 6, 2001, Norwood filed a Bivens action against Warden Romine alleging his rights under the Religious Freedom Restoration Act were being violated because he was not approved for the Bureau of Prisons' religious alternative diet program at USP Lewisburg.

3. On October 30, 2003, a jury rendered a verdict in favor of defendant and against plaintiff.

4. On November 18, 2003, Norwood filed a "Motion for Judgment Notwithstanding Verdict, Pursuant to Rule 50(b) Fed. R. Civ. P., or Alternatively, for a New Trial Pursuant to Fed. R. Civ. P. 59(a)." He subsequently moved to amend the motion "to strik[e] any reference to relief from judgment notwithstanding verdict under Rule 50(a)." Accordingly, Norwood seeks only a new trial under Rule 59(a), claiming the jury's verdict was against the weight of the evidence.

5. On November 26, 2003, defendant received Norwood's brief in support of his motion for a new trial. An opposition brief to the motion is due on or before December 15, 2003.

6. Both the attorney and paralegal assigned to handle this case were on leave from the Office on November 26, 2003, and December 1, 2003.

7. On December 9, 11, and 12, 2003, the paralegal was out of the Office three days for depositions and trial preparation in three separate civil actions.

8. Attorney Terz spent the week of December 8 through December 12 clearing his calendar as he will be out of state attending training during the week of December 15, 2003. For these reasons, the undersigned is unable to file a timely opposition to the motion for new trial.

9. Additionally, due to the Christmas and New Year holidays and the attorney's and paralegal's varying vacation schedules

during this period, defendant requests additional time to devote to the opposition brief.

10. Accordingly, defendant requests an enlargement of time until January 9, 2004, to oppose Norwood's motion for a new trial.

WHEREFORE, on behalf of defendant Romine, the United States Attorney's Office requests that his enlargement of time be granted. Counsel certifies that he has not sought the concurrence of plaintiff because plaintiff is a prisoner proceeding pro se. M.D. Pa. Local Rule 7.1.

Respectfully submitted,

THOMAS A. MARINO  
United States Attorney

s/ Joseph J. Terz  
JOSEPH J. TERZ  
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Dated: December 12, 2003

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL NORWOOD,	:	
Plaintiff	:	No. 1:CV-01-1005
	:	(Caldwell, J.)
v.	:	(Smyser, M.J.)
	:	
DONALD ROMINE, Warden,	:	ELECTRONICALLY FILED
Defendant	:	

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on December 12, 2003, she served a copy of the attached

**MOTION FOR ENLARGEMENT OF TIME**

by placing said copies in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Michael Norwood  
Reg. No. 06970-014  
U.S. Penitentiary  
P.O. Box 1000  
Lewisburg, PA 17837

s/ Michele E. Lincalis  
MICHELE E. LINCALIS  
Paralegal Specialist